

APPROVED: Meeting No. 25-88

ATTEST: *Margaret R. Gearin*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 23-88

May 9, 1988

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chambers, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, May 9, 1988, at 7:35 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilman Stephen N. Abrams

Councilman James F. Coyle

Councilwoman Viola D. Hovsepian

Councilman David Robbins

The Mayor in the Chair.

In Attendance: City Attorney Paul T. Glasgow, City Clerk Margaret R. Gearin, and Acting City Manager Rick Kuckkahn.

Re: City Manager's Report

Acting City Manager Rick Kuckkahn reported the following:

1. Student Government Days began May 3, 1988. The Students spent the day meeting staff and familiarizing themselves with City Hall and City government in general. The program will continue until May 23rd when panels of students will present their solutions to the following chosen topics which will be moderated by City staff members:

. How to motivate and educate young adults to register and vote when they reach the age of majority. Cheryl Lampkin, Assistant to the City Manager, is the group leader.

. How to improve the City's refuse collection and disposal service. Donna Rice, Junior Budget Analyst, is the group leader.

. How to effectively combat Rockville's drug problem. Police Officer Lee Potter, is the group leader.

The students will be meeting periodically here in City Hall to gather data and speak with staff. We welcome the students and look forward to hearing their solutions.

Cheryl Lampkin introduced student "Mayor" Cookab Hashemi of Richard Montgomery High School and the remaining participants in Student Government Days - 1988.

Richard Montgomery High School

Kristine Gubas  
Mark Levy  
Pete Glasgow

Rachael Baur  
Tom Flynn  
Charles Kantaporn

Rockville High School

Margaret Jackson  
Michelle Powell  
Orlando Bonilla

Jonathan Grant  
Al Toler

Thomas S. Wootton High School

Dmitry Nemirovsky  
Eric Karpinski  
Matt Bell

Adam Lipsius  
Leslie Brauer

Re: Proclamation - Rockville Poppy  
Day, May 31, 1988

Proclamation No. 6-88

There being no objection from the Council, Mayor Duncan proceeded to issue Proclamation No. 6-88, the full text of which can be found in Proclamation File No. 3 of the Mayor and Council. Councilman Robbins read the proclamation at the request of the Mayor in which it was urged that all citizens participate in the commemoration to those who have paid the supreme sacrifice for our "light of liberty." Receiving the proclamation on behalf of the American Legion Auxiliary Unit #86 were its officers, President Ruth

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McDermott, 1st Vice President Marilyn Rykosky, Secretary Rae Noyes, Poppy Chairman Dorothy Gasque. Also present were Poppy Girl Susie Carlson, who distributed Poppies to the Mayor and Council, and her mother Glenda Carlson.

Re: Proclamation - Optimist Day, May  
13, 1988

Proclamation No. 7-88

There being no objection from the Council, Mayor Duncan proceeded to issue Proclamation No. 7-88, the full text of which can be found in Proclamation File No. 3 of the Mayor and Council. Councilman Coyle read the proclamation at the request of the Mayor in which it was urged that all citizens express their appreciation for the community-minded services of the Optimists Club of Rockville. Present and accepting the proclamation on behalf of the Optimists Club of Rockville was Mr. Bob Dorsey, Montgomery County Optimists Club. Mr. Dorsey welcomed citizens to join the Optimist Club which meets the first and third Wednesday of the month at the Elk's Club.

Re: Proclamation - Historic  
Preservation Week, May 8-14,  
1988

Proclamation No. 8-88

There being no objection from the Council, Mayor Duncan proceeded to issue Proclamation No. 8-88, the full text of which can be found in Proclamation File No. 3 of the Mayor and Council. The proclamation was read by Mayor Duncan in which it was urged that all citizens recognize and participate in the preservation of our heritage for future generations. Present and receiving the proclamation were Bob Weirich, President of Peerless Rockville, and Mike Patterson, Chairman of the Historic District Commission. Mr. Weirich stated that his organization believes that preservation enhances the future of the City of Rockville. He noted that earlier in the evening

Peerless Rockville had presented the 1988 Historic Preservation awards at the Historic Red Brick Courthouse. The City of Rockville was recognized with an award for its successful adoption of a school building for a cultural center for seniors with intergenerational uses. Accepting on behalf of the City were Director of Recreation and Parks Greg Bayor, Judy Beck of the Senior Center, and Rosalie Campbell, President of the Rockville Seniors Inc.

Re: Proclamation - Older Americans  
Month

Proclamation No. 9-88

There being no objection from the Council, Mayor Duncan proceeded to issue Proclamation No. 9-88, the full text of which can be found in Proclamation File No. 3 of the Mayor and Council. Councilwoman Hovsepien read the proclamation at the request of the Mayor in which it was urged that all citizens support and appreciate the achievements of older persons. Accepting the proclamation on behalf of the senior citizens of Rockville, was Jim Henry, Chairman of the Senior Citizens Commission.

Re: Proclamation - Small Business  
Week, May 9-14, 1988

Proclamation No. 10-88

There being no objection from the Council, Mayor Duncan proceeded to issue Proclamation No. 10-88, the full text of which can be found in Proclamation File No. 3 of the Mayor and Council. Councilman Abrams read the proclamation at the request of the Mayor in which it was urged that the citizens of Rockville give their support to the small businesses in Rockville. Present and accepting the proclamation was President of the Rockville Chamber of Commerce, Ralph DeLisa. Mr. DeLisa noted that the Chamber would be

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sponsoring the Small Business Forum on Wednesday, May 11, 1988, and that there are 3,000 small businesses in Rockville.

Re: Approval of Minutes

On motion of Councilwoman Hovsepian, duly seconded and passed by unanimous vote, the minutes of Meeting No. 21-88, April 25, 1988, were approved as corrected.

Re: Citizens Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Reverend Mansfield Kaseman, 704 Carter Road, noted that May is Historic Preservation Month and invited the Mayor and Council to attend a ceremony at the Rockville United Methodist Church at 114 W. Montgomery Avenue on Sunday, May 15, 1988 at 4:00 p.m. The ceremony will be followed by a blessing of the adjacent historic Magruder House which will be used for Community Services, and a blessing for those who will work there serving the community. Reverend Kaseman also announced that he will be taking a sabbatical leave in June and would be returning to Rockville in February 1989. In his absence, Mr. Gino Valente from St. Elizabeth's Church will be the interim monitor for the Community Ministries. He also noted that he would be traveling in the British Isles and in Europe and will be taking part in an exciting program in urban studies at Oxford.

2. Adam Lipsey, President of the Class of 1990 at Thomas S. Wootton High School, announced that the school will sponsor a charity flea market auction for Children's Hospital on May 21, 1988, at the school from 9:30 a.m. to 4:00 p.m. which will be open to the public.

Re: Authorization to amend existing contract for the Municipal Swim Center.

After almost a year of extensive research and meetings with staff, the Swim Center Advisory Committee, the paid consultant The Hughes Group, and public input meetings, staff has concluded that the original concept to reline the existing outdoor pool would not serve the users' interests. Therefore, the original concept should be abandoned in favor of one that satisfies our requirements. As discussed, the logical concept to satisfy user demands and provide long-term benefits on this large investment is a phased project of two new pools; a fitness pool built next to the existing pool, and then a recreational pool built in the "foot print" of the removed existing pool.

Inasmuch as this revised concept is the unanimous choice, staff needs to expedite the design and therefore request an alteration and addition to the contract with Hughes Group Architects, Inc., which is possible under Article 4 of the existing contract: "Article 4. The COUNCIL may make any alterations, deviations, additions or omissions from the aforesaid specifications, which it may deem proper, without affecting or making void this contract; and in all such cases the COUNCIL shall value or appraise such alterations and recommend the amount added to or deducted from the amount herein agreed to be paid to the CONTRACTOR for the excess or deficiency occasioned by such alterations. In case any alterations or deviations are made, such further time may be allowed for completion of the work, caused by such alteration or deviations as the purchasing agenda or an appropriate department head of the City of Rockville shall decide to be reasonable."

It is staff's opinion that the Hughes group be granted this addition to the contract due to the following:

. They would be simply expanding upon our project that is still within the original scope to rehabilitate the outdoor pool.

. They were originally evaluated as the highest qualified firm to meet our design needs and have throughout proven to be excellent.

. They were chosen through a competitive process that proved their pricing to be fair and reasonable and their proposed cost to meet the additional design work is considered fair and reasonable. The original cost was based upon 8.5% of the project, and their new cost is again set at 8.5% of the revised project's cost.

. The revised project has met the satisfaction of needs for our users via a public meeting, through daily display and discussion at the swim center, through concurrence from the Swim Center Advisory Board, and from the Recreation and Park Advisory Board.

Staff recommends that the contract with Hughes Group Architects, Inc. be amended to include an alternative/addition as possible under Article 4 of the contract with them and the City of Rockville dated July 20, 1987. The revised amount of the contract to be \$99,167 additional.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Mayor and Council approved the amended contract with Hughes Group Architects, Inc., the revised amount adding an additional \$99,167.00.

Re: Authorization for Sole Source  
Procurement of Maintenance from  
IBM - Remainder of FY 88 and All  
of FY 89.

To provide sufficient maintenance for the City's IBM computer equipment, it is critical that an organization with sufficient expertise be chosen. In that much of the City's IBM equipment is brand new technology, it is staff's assessment that only IBM has the required expertise. This is particularly the

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case with the 9370 mainframe and Personal System/2 pc hardware. The PS/2 has only been available for one year, and the 9370 has been available for less than a year. An important requirement for a third party maintenance provider would be at least 2-3 years experience maintaining the equipment. The anticipated costs for IBM maintenance would be an additional \$1,125 for the remainder of FY 88 and \$28,000 during FY 89.

On motion of Councilwoman Hovsepian, duly seconded and unanimously passed, the Mayor and Council approved the authorization for Sole Source Procurement of Maintenance from IBM for the remainder of FY 88 and all of FY 89 in the amount of \$1,125 for the remainder of FY 88 and \$28,000 for FY 89.

Re: On-site Storm Water Management  
Waiver Request #16-88 for Single  
Family Home at 117 Charles  
Street.

This 6000 square foot lot located in the 100 block of Charles Street is in the Rock Creek Drainage area. The owner/developer of the lot, James Corle, plans to construct a single family home on the lot.

The construction of the house and related improvements will result in 0.07 acres of impervious area. Staff does not recommend on-site methods of Storm Water Management for lots used for any individual single family home sites for two reason:

(1) The Storm Water Management structures easily and frequently develop maintenance problems because they are so small; and

(2) The Storm Water Management structures are located so close to the house (or other construction on the property) that there is too great a potential for water damage caused by the installation of the SWM structures. Therefore a waiver is recommended.



The runoff from this site enters a storm drain inlet in Charles Street and is conveyed by enclosed storm drains to the Croydon Branch of Rock Creek. The proposed Storm Water Management facility at Maryvale Park can provide compensating storage for the increased runoff from this lot.

Staff recommends that a waiver be granted and that a contribution of \$1,400 (0.07 impervious acres at \$20,000 per acre) be accepted for the City off-site Storm Water Management Program.

On motion of Councilwoman Hovsepien, duly seconded and unanimously passed, the on-site Storm Water Management Request #16-88 for Single Family Home at 117 Charles Street was approved by the Mayor and Council and a contribution of \$1,400 was accepted toward the City's off-site Storm Water Management Program.

Re: Introduction of Ordinance to  
propose public improvements and  
set hearing date for  
construction of sidewalk in  
Lewis Avenue at Matthews Drive  
to 700 feet south east - Project  
8G22.

On motion of Councilwoman Hovsepien there was introduced upon the table, an ordinance to propose public improvements and set hearing date for construction of sidewalk in Lewis Avenue at Matthews Drive to 700 feet south east - Project 8G22. Public Hearing date was set for June 6, 1988 at 7:30 p.m. or as soon thereafter as it may be heard. Said ordinance to lay over for at least one week.

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Re: Introduction of Ordinance to propose public improvements and set hearing date for construction of sidewalk in North Washington Street between Dawson Avenue and North Street - Project 7A22

On motion of Councilwoman Hovsepian there was introduced upon the table, an ordinance to propose public improvements and set hearing date for construction of sidewalk in North Washington Street between Dawson Avenue and North Street - Project 7A22. Public Hearing date was set for June 6, 1988, at 7:30 p.m. or as soon thereafter as it may be heard. Said ordinance to lay over for at least one week.

Re: Introduction of Ordinance to propose public improvements and set hearing date for construction of sidewalk in Chapman Avenue between Twinbrook Parkway and the south entrance to the Metro Station - Project 7C22

On motion of Councilwoman Hovsepian there was introduced upon the table, an ordinance to propose public improvements and set hearing date for construction of sidewalk in Chapman Avenue between Twinbrook Parkway and the south entrance to the Metro Station - Project 7C22. Public Hearing date was set for June 6, 1988, at 7:30 p.m. or as soon thereafter as it may be heard. Said ordinance to lay over for at least one week.

Re: Introduction of Ordinance to propose public improvements and set hearing date for construction of sidewalk in West Montgomery Avenue between Mannakee Street and North Washington Street - Project 7Q11

Councilman Abrams noted that given the public importance of West Montgomery Avenue to the City and its place in the CIP budget, which contains

a request for undergrounding the utility lines, he wanted a copy of the ordinance to be sent to Civic Associations in Rockville and the Rockville Chamber of Commerce. Councilman Abrams also expressed the hope that before May 23, 1988, the Council would have a better indication of the cost of this project and how much of it would be paid out of the general fund and how much would be derived from special assessment.

On motion of Councilman Abrams, there was introduced upon the table, an ordinance to propose public improvements and set hearing date for construction of sidewalk in West Montgomery Avenue between Mannakee Street and North Washington Street - Project 7Q11. Public Hearing date was set for June 6, 1988, at 7:30 p.m. or as soon thereafter as it may be heard. Said ordinance to lay over for at least one week.

Re: Adoption of Resolution to  
enlarge the corporate boundaries  
of the City of Rockville to  
include 5.59 acres of land, more  
or less, of EBH Enterprises

Resolution No. 11-88

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 11-88, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, enlarging the corporate boundaries of the City of Rockville to include 5.59 acres of land, more or less, of EBH Enterprises was adopted by the Mayor and Council.

Re: Introduction of Ordinance to  
amend the Zoning Map by adding a  
5.59 acre parcel of land, more  
or less, located on the  
southwest side of Darnestown  
Road opposite Research Boulevard  
and placement in the R-90,  
Residential Zone

On motion of Councilman Abrams, there was laid upon the table an

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ordinance to amend the Zoning Map by adding a 5.59 acre parcel of land, more or less, located on the southwest side of Darnestown Road opposite Research Boulevard and placement in the R-90, Residential Zone. Said ordinance to lay over for at least one week before final adoption.

Re: Adoption of Resolution to grant  
Exploratory Townhouse  
Application RTH-9-87, EBH  
Enterprises, Applicant

Resolution No. 12-88

Councilman Coyle asked why 19 units were specified in the resolution. City Attorney Paul Glasgow explained that the applicant asked to have the number specified in the request and it would be subject to the final approval of the Planning Commission.

On motion of Councilman Abrams, duly seconded and passed by unanimous vote, Resolution No. 12-88, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, granting Exploratory Townhouse Application RTH-9-87, EBH Enterprises, Applicant, was adopted by the Mayor and Council.

Re: Adoption of Resolution to deny  
Text Amendment Application T-87-  
87, Mayor and Council, Applicant

Resolution No. 13-88

Councilman Coyle stated that he sensed that all of the other members of the Council were in favor of this resolution and that although he continued to have reservations about the benefits of having seven members on the Planning Commission rather than the original five, that in the spirit of consensus with the rest of the Mayor and Council, he would vote in favor of denial of the resolution.

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 13-88, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, to deny Text Amendment Application T-87-87, was adopted by the Mayor and Council.

Re: Adoption of Ordinance to grant  
Text Amendment Application T-86-  
87, as amended, Rockville United  
Church, Applicant

Ordinance No. 10-88

On motion of Councilwoman Hovsepien, duly seconded and passed unanimously by all those voting (Councilman Coyle abstaining), Ordinance No. 10-88, the full text of which can be found in Ordinance Book No. 14 of the Mayor and Council, to grant Text Amendment Application T-86-87, as amended, was adopted by the Mayor and Council. Councilman Coyle abstained from voting due to his membership at this church.

Re: Adoption of Ordinance to amend Sections 7-40.06, 7-4.07, 7-4.09 of the "Laws of Rockville: relating to "Refuse and Garbage Collection and Disposal Facilities" by authorizing the Superintendent of the Division of Licenses and Inspection to remove hazardous refuse without prior notice, by charging the cost of certain removal of refuse against the owner, and providing for the collection thereof; by prohibiting the pickup or other handling of refuse or refuse containers during certain hours and providing enforcement remedies for violations thereof; by eliminating provisions requiring registration of refuse vehicles and refuse collectors' tags and permits, and substituting therefor the requirement that a list of vehicles authorized to collect and transport refuse be maintained with the Superintendent of the Division of Licenses and Inspection; and by making certain other technical amendments.

Ordinance No. 11-88

In answer to a question, Councilwoman Hovsepien was reassured that other

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City regulations would allow for removal of abandoned cars in shopping centers.

On motion of Councilman Coyle, duly seconded and unanimously passed, Ordinance No. 11-88, the full text of which can be found in Ordinance Book No. 14 of the Mayor and Council, amending Sections 7-40.06, 7-4.07, 7-4.09 of the "Laws of Rockville: relating to "Refuse and Garbage Collection and Disposal Facilities" by authorizing the Superintendent of the Division of Licenses and Inspection to remove hazardous refuse without prior notice, by charging the cost of certain removal of refuse against the owner, and providing for the collection thereof; by prohibiting the pickup or other handling of refuse or refuse containers during certain hours and providing enforcement remedies for violations thereof; by eliminating provisions requiring registration of refuse vehicles and refuse collectors' tags and permits, and substituting therefore the requirement that a list of vehicles authorized to collect and transport refuse be maintained with the Superintendent of the Division of Licenses and Inspection; and by making certain other technical amendments, was adopted by the Mayor and Council.

Re: Decisions and Instruction to  
staff to establish a permit  
parking district in land located  
on the west side of Hurley  
Avenue between West Ritchie  
Parkway and Sherbrooke Way

Councilman Robbins expressed his concerns about an article in the Wootton Newsletter and PTA Bulletin stating that Wootton was not aware of the problem created by students parking on Hurley Avenue. City Manager Kuckkahn stated that Joe Cutro, Traffic Engineer, has been in contact with the school. Councilman Abrams asked if the issue of a stop sign at Sherbrooke Way could be discussed in this application. Mayor Duncan ruled that that would be a

separate issue. Councilman Coyle informed the Council that he had spoken to members of the Board of the Rockshire Civic Association who would like the Council to support the staff recommendation to alleviate the problems on Hurley Avenue. Councilman Robbins asked that the situation be monitored to see the affect of permit parking. Councilman Coyle added that he expects continuing problems to occur. Councilman Abrams noted, however, that the synagogue parking would probably decrease soon because spring events including bar mitzvah increased the number of visitors to the synagogue at this time. Mayor Duncan instructed the City Attorney to prepare the necessary legal documents for permit parking.

Re: Discussion and Instructions to  
staff re a Rockville Smoking  
Ordinance

Councilwoman Hovsepian suggested that the City move forward and adopt a smoking ordinance. Mayor Duncan instructed the City Attorney to prepare the necessary legal documents for the adoption of a smoking ordinance patterned after the recently adopted Montgomery County "Smoking in Public Places" ordinance.

Re: Correspondence/FYI

1. Councilman Abrams asked if there would be any change in the date for Fortune Parc Zoning hearing which was scheduled for June 23rd. Mayor Duncan responded that June 23rd at 2:00 p.m. was acceptable. Councilwoman Hovsepian asked if the members of the Council should be present at this hearing, and the Council agreed that this would be very important.

2. Councilman Abrams asked for a status report on the request to schedule an additional work session to adopt the goals and objectives of the Rockville Pike Plan. City Manager Kuckkahn responded that they were working

around the consultants schedule, and they would give the Council a range of opportunities when this could be discussed.

3. Councilman Abrams mentioned an FYI article regarding Bob Spalding's misquote in The Montgomery Journal. He noted that the clarification had not appeared in the paper the next day and asked for an explanation. City Manager Kuckkahn replied that there was a subtle problem with wording, and he would get back with the specifics. Councilman Abrams requested an explanation at this time. Larry Owens, Acting Director of Planning, explained that in essence, Bob Spalding said that the Pike's ability to accommodate additional growth will not be as great as projected with the Planning Commissions recommended road systems. Mayor Duncan noted that the correction appeared in the clarification column of The Montgomery Journal the next day. Councilman Abrams noted that he only wanted this clarified for himself because Mr. Spalding's statement, as reported in the newspaper, seemed consistent with statements made in the Work Session process, and that he himself had arrived at a similar decision after staff presentation, namely that there would be no increase in development.

4. Councilwoman Hovsepian thanked the staff for its proposed timetable for the task force on the future of Rockville, and requested that copies of resumes of task force applicants be forwarded to the Mayor and Council. Mayor Duncan stated that he would set up an interview schedule soon.

5. Councilwoman Hovsepian reminded staff that a fair housing testing program scheduled for the City should actually take place within the corporate limits of Rockville.



## Re: New Business

1. Mayor Duncan asked staff for information regarding the three-way stop sign at Sherbrooke Road. City Manager Kuckkahn responded that staff would like to talk in general about the use of stop signs, explaining that the planning department uses valid standards in determining the need for stop signs, and favored a work session with the Mayor and Council where a more lengthy discussion could take place. Councilman Abrams asked if there were other ways to control excessive speed in a residential area. Councilman Coyle suggested speed bumps and noted that some people favor speed bumps on Watts Branch Parkway after stop signs were ruled out. City Manager Kuckkahn noted that police enforcement could control the problem and promised to discuss a range of options at a work session.

## Re: Executive Session

On motion of Councilman Abrams, the meeting was closed for Executive Session at 8:35 p.m. to discuss land disposition, personnel, and for consultation with legal counsel.

## Re: Adjournment

There being no further business to come before the Mayor and Council in Executive Session, the meeting was adjourned at 9:30 p.m. to convene again in General Session on Monday, May 16, 1988, at 7:30 p.m. or at the call of the Mayor.